

## **Questions and Answers**

### **Re-opening Public Comment Period on Injurious Species Listing for Five Large Constrictor Snakes**

#### **Q: Why is the Service reopening the public comment period on these snakes?**

**A:** In 2010, the Service proposed listing nine constrictor snakes as injurious under the Lacey Act. Four of those (the Burmese python, yellow anaconda, and northern and southern African pythons) were subsequently listed, but a final determination has not yet been made on five (the reticulated python, DeSchauensee's anaconda, green anaconda, Beni anaconda and boa constrictor). Under the Administrative Procedure Act, we cannot leave a proposed action incomplete indefinitely.

Four years have elapsed since the public comment periods on the original proposal to list nine species of constrictor snakes as injurious closed. We are re-opening the public notice and comment period on the proposed rule for the five snakes that were not listed in 2012 because we want to ensure we consider the most current information prior to making our final decision. Only comments pertinent to the five remaining snakes are being solicited at this time. All previous comments will be considered; comments made during the previous comment period do not need to be resubmitted.

#### **Q: What does an injurious wildlife listing under the Lacey Act mean to the public?**

**A:** Under the injurious wildlife provisions of the Lacey Act, wildlife can be listed as injurious because the species has been demonstrated to be injurious to human beings, to the interests of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States. To control the spread of an injurious species, the importation and interstate transport of the listed species are prohibited without a permit issued by the Service. Permits may be granted for the importation or transportation of live specimens of injurious wildlife for scientific, medical, educational or zoological purposes. The injurious wildlife provisions of the Lacey Act do not address transport within a state.

#### **Q: Could the Service list fewer than five of the species, or must it list all five species together?**

**A:** We are not required to list the five species together as a group. For this final rule, as we did for the previous final rule, we will evaluate each of the species individually. We may list all, some, or none of the five remaining species as injurious.

#### **Q: What are some of the dangers posed by large constrictor snakes?**

**A:** The presence of large constrictor snakes poses a serious threat to native wildlife species, particularly the remaining populations of endangered and threatened species.

Non-native, large constrictor snake invasions are usually irreversible due to the lack of effective methods of control, hence the ability to rehabilitate or recover ecosystems impacted by the snakes is low. Re-establishment of extirpated populations, if biologically possible, would be labor and cost-intensive and would depend on eradication of large constrictor snakes within native habitats. There is currently no known method to eradicate any of the proposed species on a large scale.

**Q: What scientific data are evaluated for an injurious wildlife listing?**

**A:** We evaluate two sets of scientific data. First, we evaluate the factors that contribute to a species being considered injurious, including:

- Likelihood of release or escape.
- Potential to survive, become established and spread.
- Impacts on wildlife resources and or ecosystems through hybridization and competition for food and habitats, habitat degradation and destruction, predation, and pathogen transfer.
- Impact to threatened and endangered species and their habitats.
- Impacts to human beings, forestry, horticulture and agriculture.
- Wildlife or habitat damages that may occur as a result of control measures.

Second, we evaluate factors that reduce the likelihood of the invasive species causing harm, including the:

- Ability to prevent escape and establishment.
- Potential to eradicate or manage established populations.
- Ability to rehabilitate disturbed ecosystems.
- Ability to prevent or control the spread of pathogens or parasites.
- Any potential ecological benefits to introduction.

**Q: What is the difference between an invasive species and injurious wildlife?**

**A:** Invasive species, as defined by Executive Order 13112 of February 3, 1999, “means an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health.”

Injurious wildlife are those species that meet the standard for listing under the injurious wildlife provisions of the Lacey Act. They are wild mammals, wild birds, amphibians, reptiles, fish, crustaceans and mollusks, as well as their offspring, gametes or hybrids that are injurious to the interests of human beings, agriculture, horticulture, forestry, wildlife or wildlife resources of the United States. Plants and organisms other than those listed above cannot be listed as injurious

wildlife. Please visit the Service's Web site for more information on injurious wildlife at: [www.fws.gov/injuriouswildlife](http://www.fws.gov/injuriouswildlife).

**Q: What steps related to the Lacey Act have been taken to evaluate large constrictor snakes as injurious wildlife?**

**A:** The Service published a Notice of Inquiry in the *Federal Register* on January 31, 2008. This Notice of Inquiry requested the public provide biological, economic or other data regarding adding large constrictor snakes to the list of injurious wildlife. We received 1,528 responses during the public comment period that closed on April 30, 2008. The completion of the risk assessment in 2009 by the U.S. Geological Survey was an important milestone in our evaluation, and a requirement before additional steps could be taken. We considered this information and other data to analyze the economic and environmental impacts of the proposed rule we published in 2010 under the Lacey Act, National Environmental Policy Act, the Regulatory Flexibility Act and Executive Orders 12866 and 13272. For the proposed rule's two comment periods, we received more than 56,000 comments. We also had the rule reviewed by five independent expert peer reviewers. Based on the collective information, we revised the rule, economic analysis and environmental assessment and published a final rule for four species in 2012.

**Q: Who could be affected by a listing of the snakes included in the proposed rule?**

**A:** Groups that could be affected by the listing of any of the five remaining snakes include: (1) companies importing live snakes; (2) companies (retailers, breeders and wholesalers) with interstate sales of live snakes; (3) companies selling reptile-related products and services; and, (4) pet owners who want to move their snakes to other states or purchase snakes from businesses located in other states. Impacts to these groups depend on the amount of interstate sales within the constrictor snake market. Impacts are also dependent upon whether consumers would instead choose to acquire other animals not listed.